

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MELLISA BROOKS,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

8:14CV33

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Notice of Dismissal. (Filing No. [21](#).) Pursuant to [Fed. R. Civ. P. 41](#), a plaintiff may dismiss an action by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, or by filing a stipulation of dismissal signed by all parties who have appeared. [Fed. R. Civ. P. 41\(a\)\(1\)](#). In addition, a court may grant a request for voluntary dismissal "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#).

Plaintiff filed her Notice of Dismissal on June 5, 2014. (Filing No. [21](#).) In her Notice, Plaintiff asks the court to dismiss this matter because "the Social Security Administration calculated and paid benefits to Brooks—rendering this matter moot." (*Id.*) Defendant has not served an answer or a motion for summary judgment. (*See* Docket Sheet.) In light of this, and in accordance with [Fed. R. Civ. P. 41\(a\)](#), this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 24th day of June, 2014.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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